
COMMONWEALTH OF VIRGINIA



OFFICE OF THE GOVERNOR Executive Order 88 (2005)

A CONTINUATION AND MODIFICATION OF THE DECLARATION OF A STATE OF EMERGENCY FOR THE COMMONWEALTH OF VIRGINIA DUE TO THE SIGNIFICANT FLOODING AND WIND DAMAGE CAUSED BY HURRICANE ISABEL

On September 16, 2003, I issued Executive Order Fifty-Six (2003) declaring a state of emergency to exist for the entire Commonwealth of Virginia based on forecasts that indicated that Hurricane Isabel could cause damaging high winds, flash flooding, and possible tornadoes throughout the state. On September 18 and 19, 2003, Hurricane Isabel did in fact cause significant damage through much of the Commonwealth.

On October 13, 2003, I issued Executive Order Fifty-Eight (2003), a modification of the Declaration of a State of Emergency declared in Executive Order Fifty-Six (2003). Executive Order Fifty-Eight authorized the Marine Resources Commissioner to act on behalf of the Commission in issuing permits pursuant to Chapter 12 of Title 28.2 of the Code of Virginia when, in the judgment of the Commissioner, it is necessary to address immediate health and safety needs and the Commissioner would be unable to convene a meeting of the full Commission in a timely manner. Executive Order Fifty-Eight further stated that no permits for encroachments over state-owned submerged lands shall be required to replace previously permitted structures that conform to stated criteria, which included the requirement that reconstruction activities must be initiated prior to December 31, 2003 and completed prior to June 30, 2004. On April 7, 2004, I extended the time frame for these provisions in Executive Order Sixty-Six (2004).

The devastation caused by Hurricane Isabel was so profound that a few Virginia residents, particularly those in coastal or tidal areas, have been engaged in major home reconstruction activities and have been unable to begin reconstruction of structures over state-owned submerged lands. Therefore, I hereby extend the provisions of Executive Order Fifty-Eight and Sixty-Six for one additional year and require that reconstruction

activities authorized under Executive Order Fifty-Eight be initiated by December 31, 2005 and completed by June 30, 2006. Moreover, the requirement of Executive Order Fifty-Eight that the pre-existing structure must be previously authorized shall not apply to any structure constructed prior to 1910.

This Executive Order shall be retroactive to January 1, 2004 and shall remain in full force and effect until June 30, 2006, unless sooner amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 13th day of June 2005.

Mark R. Warner, Governor

Attest:

Secretary of the Commonwealth